

REMARKS

In the Office Action dated September 29, 2004, claims 2-4, 6-22, 24, 25, 28-34, and 37-52 were rejected under § 103 over U.S. Patent No. 5,845,113 (Swami) in view of U.S. Patent No. 5,369,764 (Blair).

It is respectfully submitted that the obviousness rejection of claim 7 is defective for at least the following reasons: (1) no motivation or suggestion existed to combine the teachings of Swami and Blair; and (2) even if they can be combined, the hypothetical combination of Swami and Blair fails to teach or suggest *all* elements of the claim. See M.P.E.P. § 2143 (8th ed., Rev. 2) at 2100-129.

As conceded by the Office Action, Swami fails to disclose that each parallel task provides a code to indicate if the task is to be re-invoked in the next phase. Instead, reliance was made on Blair as teaching this missing element. The Office Action cited specifically to column 5, line 53-column 6, line 11 of Blair as teaching this particular element. It is respectfully submitted that the cited passage of Blair does not teach or suggest that each parallel task provides a code to indicate if the task is to be re-invoked in the next phase.

The cited passage of Blair refers to the restarting of a program that has been aborted due to error. "If at any point Program A aborts on an error, then all updates since the last checkpoint and prior to the error are rolled back or rendered ineffectual by the data base facility, the checkpoint restores the storage areas, registers and pointers, reconnection is established, and processing continues to a normal ending for the program." Blair, 6:5-11.

Note that claim 7 recites the execution of a plurality of multi-phase parallel tasks, where each parallel task is executed in plural phases, and each parallel task provides a code to indicate if the task is to be re-invoked in the next phase. According to the Office Action, the multiple phases of each parallel task are equated to what is depicted in Figure 2 of Swami (corresponding to the passage at column 7, lines 34-49, cited by the Office Action). The tasks performed as depicted in Figure 2 of Swami are tasks performed during normal operation. On the other hand, Blair is referring to the aborting of a

program and restarting of the program due to an error. The aborting and restarting of the program in Blair does not constitute providing a code by a task to re-invoke the task in the next phase of multiple phases of the parallel task.

Since neither Swami nor Blair teaches or suggests the last clause of claim 7, the hypothetical combination of Swami and Blair fails to teach or suggest all elements of the claimed invention. Therefore, a *prima facie* case of obviousness has not been established for at least this reason.

A further defect in the obviousness rejection is that no motivation or suggestion existed to combine the teachings of Swami and Blair. Swami states that a coordinator site assigns separate tasks (gathering & distributing, sorting, merging, collecting) to different logical sites. Swami, 6:51-62. Storage sites gather and distribute data to sort sites, and sort sites perform local sorting of the distributed data. Swami, 6:63-7:8. At the command of the coordinator site, the merge site continuously collects the sorted data from the sort sites. Swami, 7:11-12. As the merge site merges the data, the merged data is sent to the sink site. Swami, 7:16-17. The data gathering and distributing, sorting, merging, and data sinking as performed in Swami is thus described as a continuous process that continues until all data has been processed. Swami, 7:18-20. There was absolutely no need or desirability to provide the different tasks of Swami with the ability to send codes to determine whether the task is to be re-invoked for the next phase of a multi-phase parallel task. It is well established law that “[t]he mere fact that the prior art could be so modified would not have made the modification **obvious** unless the prior art suggested the **desirability** of the modification.” *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125 (Fed. Cir. 1984) (emphasis added). No suggestion (implicit or explicit) was provided in Swami, Blair, or any other cited prior art for modifying Swami to achieve the claimed invention.

In fact, the program abort and program restart process of Blair would have taught a person of ordinary skill in the art how a program error can be handled—no suggestion is provided by Blair that codes are sent by the tasks to re-invoke the tasks for a next phase of a multiphase task. Because no suggestion existed to modify Swami with the teachings

of Blair, a *prima facie* case of obviousness has not been established for this additional reason.

With respect to claim 11, the asserted combination of Swami and Blair fails to teach or suggest determining whether an additional phase is required to execute the tasks based on codes returned by the tasks, and scheduling an additional phase in response to the determination that an additional phase is required.

Independent claims 15 and 38 are allowable over the references for similar reasons as for claim 7.

Independent claim 22 was also rejected as being obvious over Swami and Blair. Applicants respectfully disagree, as the hypothetical combination of Swami and Blair does not disclose a client system *separate* from the database system and coupled to the database system over the network, with the client system to establish *plural sessions* with the database system to implement a plurality of data operations upon the database system in parallel.

As conceded by the Office Action, Swami does not disclose the client system of claim 22. 9/29/2004 Office Action at 8. However, reliance was made on Blair as teaching this client system, with the Office Action citing the following passages of Blair: column 3, line 45-column 4, line 6; column 5, line 53-column 6, line 11). The cited passage in columns 3 and 4 of Blair refers to a computer system that includes a CPU, storage memory, working memory, operating system, a database management program, and a data entry peripheral device for entering data into database files. There is no teaching or even remote suggestion here of a client system *separate* from the database system and *coupled to the database system over a network*. Blair discloses one computer system.

Moreover, Blair also clearly does not teach or suggest by Swami that any client system is able to establish plural sessions with the database system to implement a plurality of data operations upon the database system in parallel. The passage in columns 5 and 6 of Blair cited by the Office Action refers to aborting and restarting a program—there is no teaching or suggestion of a client system, separate from and coupled to a

database system over a network, that is able to establish plural sessions with the database system to implement a plurality of data operations upon the database system in parallel.

Therefore, even if Swami and Blair can be properly combined, the hypothetical combination of Swami and Blair does not teach or suggest all elements of claim 22. A *prima facie* case of obviousness has thus not been established with respect to claim 22 over Swami and Blair.

Independent claim 28 is similarly allowable over Swami.

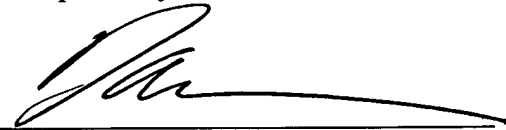
Dependent claims, including newly added dependent claims 53-55, are allowable for at least the same reasons as corresponding independent claims. Moreover, with respect to claim 8, which depends from claim 7, Blair does not teach that the code provided by each parallel task is provided to a task coordinator. In the cited passage in columns 5 and 6 of Blair, a program sends a checkpoint command that returns a code to indicate whether a restart is occurring, and if so, the program restarts. No mention is made that the code is sent to a task coordinator.

Claim 8 is therefore allowable for this additional reason. Claim 32, which depends indirectly from claim 28, and claim 39, which depends from claim 38, are similarly allowable.

In view of the foregoing, allowance of all claims is respectfully requested.

The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 50-1673 (9433).

Respectfully submitted,



Date: December 29, 2004

Dan C. Hu, Reg. No. 40,025
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, TX 77024
713/468-8880 [Ph]
713/468-8883 [Fax]